IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 768 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PUSHPABEN PRADEEPKUMAR KESARIA

Versus

STATE OF GUJARAT

Appearance:
MR HASHIM QURESHI for Petitioner
Petitioner Pushpaben Pradeepkumar Kesaria - mother of concerned girl, namely, Pratiksha is also present.
Ms.Harsha Devani, learned A.G.P. for respondents No.1 and 2.
Respondent No.3 - Hemant Tulsibhai Makwana and respondent No.4 - wife of Tulsibhai Makwana are also present.

CORAM : MR.JUSTICE M.R.CALLA
and

MR.JUSTICE R.R.TRIPATHI

Date of decision: 11/09/2000

ORAL JUDGEMENT(Per: M.R.Calla,J)

Ms. Pratiksha, who is admittedly aged 23 years and a Commerce Graduate is present before the Court alongwith respondents Nos.3 and 4. In presence of her mother i.e. petitioner, she has categorically stated that she had married respondent No.3 i.e. Hemant Tulsibhai Makwana on 7.1.2000 and has been living with him as his wife. She has also stated that she is comfortable and does not want to go with her mother, that she has not been wrongly confined. In the facts and circumstances of this case, whereas we find that Ms. Pratiksha is not in any unlawful or wrongful confinement, there is no case for issue of any writ of habeas corpus. Ms. Pratiksha is free to her liberty. This Special Criminal Application is accordingly rejected. Rule is hereby discharged.

(M.R.Calla,J)

(R.R.Tripathi,J)